



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

06-21-16

Ref: 8ENF-RC

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Certified Mail No. 7009 3410 0000 2600 8213

Thomas J. Schefter
Principal, Tabr Realty Services, LLC
4333 Edgewood Road, North East
Cedar Rapids, Iowa 52499

Re: Request for Information Pursuant to Sections 104(e) and 107 of CERCLA for the Illinois Gulch Site, southeast of Breckenridge, in Summit County, Colorado, Superfund Identification (SSID) No. A8-88.

Dear Mr. Schefter:

This letter seeks your cooperation in providing information and documents relating to the Illinois Gulch Site, located southeast of Breckenridge, in Summit County, Colorado (Site). A map depicting the Site and its associated mines and workings is enclosed as Enclosure 1. The Environmental Protection Agency is investigating the identification, nature and quantity of materials that have been generated, treated, stored or disposed of at, or transported to, the Site and the nature or extent of the release of hazardous substances, pollutants or contaminants at the Site; and information relating to the ability of persons to pay for or to perform a cleanup at the Site.

Pursuant to section 104 of the Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, the EPA requests that you respond to the Information Request set forth in Enclosure 2, attached hereto. The EPA is writing this letter to you because Tabr Realty Services, LLC is the owner of record of Site property.

Please respond to the Information Request within 30 days of receipt of this letter. Failure to respond fully and truthfully, or to adequately justify your failure to respond, can result in an enforcement action by the EPA, pursuant to section 104(e) of CERCLA and the imposition of penalties of up to \$37,500 per day of non-compliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

The Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § §§ 3501-3521.

Your response to this request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this request. The notarized certificate must state that the response submitted to the EPA is complete and contains all documents and information responsive to this request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request as Enclosure 3.

The response to the Information Request should be mailed to:

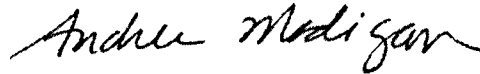
U.S. Environmental Protection Agency, Region 8
Attn: Mike Rudy (8ENF-RC)
1595 Wynkoop Street
Denver, CO 80202-1129

The EPA strongly encourages you to give this matter your immediate attention and respond to the Information Request within the time specified above. If you have any questions relating to this Information Request, please contact Douglas Naftz, EPA Enforcement Attorney, at (303) 312-6942 or Mike Rudy, EPA Enforcement Specialist, at (303) 312-6332. Thank you for your cooperation in this matter.

Sincerely,



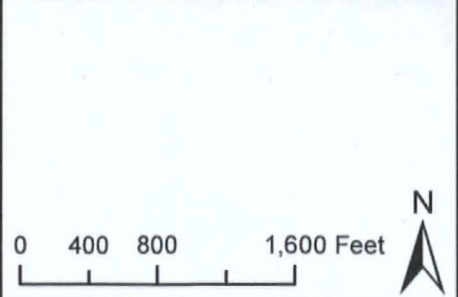
Aaron Urdiales
Acting Director, Technical Enforcement
Program
Office of Enforcement, Compliance
and Environmental Justice



Andrea Madigan
Supervisory Attorney, Legal Enforcement
Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: Eric Waeckerlin, Outside Counsel for Tabr Realty Services, LLC
Douglas Naftz, 8ENF-L
Jean Wyatt, 8EPR-AR
Peter Stevenson, 8EPR-ER
Mike Rudy, 8ENF-RC
Dianna Lim, 8EPR-PS



Prepared for:
U.S. EPA Region 8

Contract No.:
EP-S8-13-01

TDD:
1504-10

TO:
0004

Prepared By:
Weston Solutions, Inc.
START IV

Suite 100
1435 Garrison Street
Lakewood, CO 80215

FIGURE 1
SURFACE WATER AND
SOIL SAMPLE LOCATIONS
WITH PROPERTY OWNERSHIP
ILLINOIS GULCH
TOWN OF BRECKENRIDGE
SUMMIT COUNTY, COLORADO

**INSTRUCTIONS FOR THE INFORMATION REQUEST
ILLINOIS GULCH SITE, SUMMIT COUNTY, COLORADO, SSID NO. A8-88**

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request.
2. Precede each answer with the number of the question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. 9604(e)(7)(E) and F, section 3007(b) of RCRA, 42 U.S.C. 6927(b), and 40 C.F.R. 2.203(b), by attaching to such information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures, set forth in 40 C.F.R. Part 2, 41 Fed. Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), and 50 Fed. Reg. 51,661 (1985)). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. **Please note that you are required to provide the requested information even if you claim that the information is confidential.**

DEFINITIONS AND INFORMATION
ILLINOIS GULCH SITE, SUMMIT COUNTY, COLORADO, SSID NO. A8-88

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act, and can be found at 42 U.S.C. §§ 9601-9675.
2. The terms "document" and "documents" shall mean any written, recorded, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts and all non-identical copies.
3. The term "hazardous substance" shall have the same definition as that contained in section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
4. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership), organization, if any, and a brief description of its business.
5. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), and the substance or the subject matter.
6. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
7. The term "materials" shall mean all substances that have been generated, treated, stored or disposed of, or otherwise handled at or transported to the Site, including, but not limited to, all hazardous substances, pollutants or contaminants, hazardous wastes and solid wastes, as defined below, and mercury.
8. The term "person" shall have the same definition as in section 101(21) of CERCLA, 42 U.S.C. § 9601(21): an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, state, municipality, commission, political subdivision of a state, or any interstate body.
9. The term "pollutant or contaminant" shall have the same definition as that contained in section 101(33) of CERCLA, 42 U.S.C. § 9601(33), and includes any mixtures of such pollutants or contaminants with any other substances, including petroleum products.
10. The term "Site" shall mean the Illinois Gulch site is located southeast of Breckenridge, in Summit County, Colorado, and includes the area situated between Little Mountain to the east and Illinois Gulch Road to the west. A map depicting the Site and its associated mines and workings is attached as Enclosure 1.

11. The term "RCRA" means the Resource Conservation and Recovery Act, amendments to the Solid Waste Disposal Act, and can be found at 42 U.S.C. §§ 6901–6992k.
12. The term "release" has the same definition as that contained in section 101(22) of CERCLA, 42 U.S.C. section 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
13. The term "solid waste" shall have the same definition as that contained in section 1004(27) of RCRA, 42 U.S.C. § 6903(27).
14. The terms "Respondent" and "you" mean Tabr Realty Services, LLC, the recipient of this Information Request, and any parent, subsidiary, or affiliated company, predecessor- or successor-in interest, any other related business entity, and any officer, director, manager, employee, contractor, trustee, partner, successor, assign, and agent of any such company or entity.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. §§ 9601–9675; RCRA, 42 U.S.C. §§ 6901–6992k; or their regulations found at 40 C.F.R. part 300 and 40 C.F.R. part 260, respectively, in which case the statutory or regulatory definitions shall apply.

QUESTIONS AND REQUESTS
ILLINOIS GULCH SITE, SUMMIT COUNTY, COLORADO, SSID NO. A8-88

1. Identify the person(s) answering these questions by providing their name, address and telephone number.
2. Identify the person(s) whom you wish to receive all further communications from the EPA related to the Site.
3. For each and every question contained herein, identify all persons consulted in the preparation of the answer.
4. For each and every question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the question, and provide accurate copies of all such documents.
5. Describe all property interests that Respondent currently owns or has previously owned within the Site, including the following information. To the extent the information requested below is provided in deeds or other documents submitted with your response to this Request, you need not include the information in your narrative response.
 - a. Provide the legal description of properties owned;
 - b. Describe the nature of the interest Respondent own(ed), (i.e. surface, mineral, surface and mineral, fractional ownership, fee title, leasehold, option to buy);
 - c. Identify the entity from which Respondent acquired the interest, and the date you acquired it;
 - d. If Respondent has sold or in any manner transferred property at the Site, identify the person to whom Respondent sold or transferred property, describe the property sold or transferred, and provide the date of the sale or transfer;
 - e. If Respondent owns a fractional interest in any property at the Site, describe what portion Respondent owns and identify the other owners of the property;
 - f. Please provide copies of all deeds or other conveying instruments by which Respondent acquired or transferred title to property at the Site;
 - g. Please also provide any maps or surveys that identify property Respondent currently or previously held at the Site.
6. Provide copies of all casualty, liability and/or pollution insurance policies, and any other insurance contracts whereby the Respondent or any predecessor is insured for claims, including, but not limited to, comprehensive general liability, primary, umbrella and excess policies, as well as any environmental impairment liability or pollution legal liability insurance.
7. If there are any such policies identified in response to Question 6 above, of which you are aware but neither possess copies nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
 - a. The name and address of each insurer and of the insured;
 - b. The type of policy and policy numbers;
 - c. The per occurrence policy limits of each policy; and
 - d. The effective dates for each policy.

8. Identify whether Respondent obtained title insurance for property currently or formerly owned at the Site. If so, provide all information related to such or policies including copies of the title insurance reports.
9. Has Respondent made any insurance claims in relation to potential liability at the Site? If so, please provide copies of all correspondence with insurers in relation to these claims.
10. Identify, explain and provide all documents concerning any lawsuits and settlements involving the Respondent which relate to the Site.
11. Provide signed copies of Tabr Realty Services LLC's (or the current record title holder of Site property) federal corporate income tax returns for last year (2015), complete with all schedules, attachments, and statements.
12. Provide all information in your custody or control regarding all past or present owners of property within the Site, including, but not limited to, the nature of their operations at such property and information concerning adits, shafts, and other mine workings within the Site. Provide copies of all documents that relate to such information.
13. Identify and describe the relationship between Tabr Realty Services, LLC and the following:
 - a. AEGON N.V.;
 - b. AEGON USA Realty Advisors, LLC;
 - c. Mortgage Trust of America, Mortgage Advisors, Inc.; and
 - d. Any other affiliated Transamerica related entity.
14. Describe and provide any information you have regarding any mining activities at the Site. Include any boring activities, boring logs, mining, milling or smelting activities, ore production records, processing or reprocessing contracts and records of wastes produced from milling, mining or smelting activities at the Site. Provide copies of the mine plans and maps and process flow sheets used at any and all mines, mills, or smelters at the Site.
15. Describe and provide all information concerning releases of any kind into the environment of any hazardous substances, pollutants or contaminants that have occurred or may occur at or from the Site, including, but not limited to:
 - a. When such releases occurred;
 - b. How the releases occurred;
 - c. Materials released, including the common name, the chemical name, grade and chemical composition of the substance and any known impurities or manufacturing contaminants contained therein;
 - d. Amount of each such hazardous substance, pollutant or contaminant released;
 - e. Where such releases occurred;
 - f. A description of any and all activities undertaken in response to each such release; and
 - g. A description of all investigations of the circumstances, nature, extent or location of each such release, including the results of any soil, water (ground and surface) or air testing that was undertaken.

16. Provide copies of all documents relating to environmental conditions at the Site. Provide all existing technical or analytical information in your possession about the Site, including, but not limited to, data and documents related to soil, water (ground or surface), geology, geohydrology or air quality on and about the Site. The scope of this request includes all technical or analytical information in your possession concerning mine drainage and ground seepage from adits, shafts, and other mine workings at the Site

NOTARIZED CERTIFICATE

I, _____, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by Tabr Realty Services, LLC to respond to the U.S. Environmental Protection Agency's (EPA) request for information concerning the Illinois Gulch Site, Summit County, Colorado, SSID No. A8-88.
2. This response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.
3. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
4. I hereby certify that the attached response to EPA's request is complete and contains all information and documents responsive to the request.

(Signature)

(Name)

(Title)

(SEAL)

Subscribed and sworn to me this _____ day of _____, 2016.

Notary Public

My Commission Expires _____

My address is _____

7009 3410 0000 2600 8213

U.S. Postal Service™		
CERTIFIED MAIL™ RECEIPT		
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>		
For delivery information, visit our website at www.usps.com		
OFFICIAL USE		
Postage \$	JUN 21 2016	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage	Thomas J. Schefter, Principal Tabr Realty Services, LLC 4333 Edgewood Rd., North East Cedar Rapids, IA 52499	
Sent To		
Street, Apt. or PO Box		
City, State		
PS Form 3800, August 2006		See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>[Signature]</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p> <p>Sulina S. Parish-Logan Per Mar Courier</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
1. Article Addressed to:			
JUN 21 2016			
Thomas J. Schefter, Principal Tabr Realty Services, LLC 4333 Edgewood Rd., North East Cedar Rapids, IA 52499		3. Service Type	
		<input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail	
		<input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise	
		<input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number			
(Transfer from service label)			
		7009 3410 0000 2600 8213	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

M. Rudy, BENF-RC

US EPA REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129

ECEJ

JUN 29 2016

RECEIVED

ROUTING AND TRANSMITTAL SLIP

Date

05/10/16

TO: (Name, office symbol, room number,
building, Agency/Post)

1. Mike Rudy, ENF-RC

Initials

Date

MPR

5-10-16

2. Doug Naftz, ENF-L

DN

5-11-16-24/8/16

3. Andrea Madigan, ENF-L

Amm

6/13/16

4. ~~Kelley Land~~ Aaron Urdiales, ENF-RC

AL

6/16/16

5. Sue Zaynard (Mail Cert, Copies)

SZ

6/21/16

6.

7.

8.

9.

10.

☐ Action☐ File☐ Note and Return☒ Approval☐ For Clearance☐ Per Conversation☐ As Requested☒ For Correction☐ Prepare Reply☐ Circulate☐ For Your Information☐ See Me☐ Comment☐ Investigate☒ Signature☒ Coordination☐ Justify

REMARKS

104e has been proofed/formatted/checked by Sue Zaynard.

DO NOT use this form as a RECORD of approvals, concurrences, disposals,
clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Mike Rudy

Room No. - Bldg.

6248

Phone No.

(303) 312-6332

OPTIONAL FORM 41 (Rev. 1-94)
Prescribed by GSA